

Remarks:

Reconsideration of the application is respectfully requested.

Claims 1 - 14 are presently pending in the application. Claims 1, 2, 4, 6 and 13 have been amended. Applicants gratefully acknowledge that claims 9 - 11 have been indicated as being allowable if rewritten to include all the limitations of the claims from which those claims depend.

In item 1 of the above-identified Office Action, the specification was objected to because of the term "micro controller". The Examiner's suggested correction has been made, changing "micro controller" to "microcontroller" in the specification.

In item 2 of the Office Action, claims 1 - 2, 4, 6 and 13 were objected to because of the term "micro controller". The Examiner's suggested correction has been made, changing "micro controller" to "microcontroller" in those claims.

In item 3 of the Office Action, claim 13 was rejected as allegedly being indefinite under 35 U.S.C. § 112, second paragraph. More specifically, it was alleged in the Office Action that the term " . . . playback over . . . " in that claim provides indefiniteness as to what is being claimed. Claim 13 has been amended to recite, among other limitations

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

that the microcontroller "periodically initiates substitution of a regular commercial message" by the prerecorded message. Support for this change may be found on page 9 of the instant application, lines 14 - 22. It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph.

In item 5 of the Office Action, claim 1 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U. S. Patent No. 5,923,624 to Groeger et al ("GROEGER") in view of U. S. Patent No. 6,112,064 to Arrowsmith et al ("ARROWSMITH"). In item 6 of the Office Action, claims 3 - 6 and 12 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over GROEGER and ARROWSMITH in view of U. S. Patent No. 6,111,963 to Thompson, III ("THOMPSON"). In items 7 and 8 of the Office Action, claims 2 and 7 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over GROEGER in view of U. S. Patent No. 5,867,776 to Noda ("NODA"). In item 9 of the Office Action, claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over GROEGER and ARROWSMITH in view of U. S. Patent No. 6,823,225 to Sass ("SASS"). In item 10 of the Office Action, claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over ARROWSMITH in view of SASS.

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

Applicants respectfully traverse the above rejections.

- I. The GROEGER reference, alone or in combination with ARROWSMITH, does not teach or suggest all limitations of Applicants' claim 1.

More particularly, claim 1 recites a method for providing a radio with prerecorded messages for programmed playback including the steps of:

programming a storage and playback circuitry with a prerecorded message and message particulars, said circuitry comprising a microcontroller and an audio integrated circuit;

connecting said storage and playback circuitry between a demodulator and an audio amplifier of a radio to automatically initiate periodic replacement of received radio signals with the prerecorded message; and

inputting a signal from the demodulator to the audio integrated circuit. [emphasis added by Applicants]

As such, among other things, Applicants' claim 1 requires: 1) connecting the storage and playback circuitry between a demodulator and an audio amplifier of a radio for replacement of received radio signals with the prerecorded message; and 2) connecting the storage and playback circuitry between a demodulator and an audio amplifier of a radio to automatically initiate periodic replacement of received radio signals with the prerecorded message. Both of the above, in addition to the other elements of claim 1, need to be taught or suggested

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

by the cited references in order to render the claims obvious.

However, neither GROEGER, nor ARROWSMITH, nor the two in combination, teach or suggest the above limitations, as well as others of Applicants' claim 1.

More particularly, as stated in the response to the last Office Action, GROEGER fails to teach or suggest, among other limitations of Applicants' claims, automatically initiating periodic replacement of received radio signals with a prerecorded message. Applicants incorporate the previous response herein, by reference. The present Office Action, on page 4, admits:

Groeger fails to disclose automatically initiating periodic replacement of the received radio signal with the message.

However, the Office Action goes on to cite ARROWSMITH, as disclosing "a RDS button for enabling an automatic reproduction of an announcement (col. 4, lines 22 - 47)" which allegedly "reads on initiating automatic replacement of the receive signal with a recorded message." Applicants' respectfully disagree.

Col. 4 of ARROWSMITH, lines 22 - 47, cited in the Office Action, states:

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

The operation of the present invention will be further described in connection with the state diagram shown in FIG. 5. After the radio receiver is turned on at state 70, it proceeds to a normal operating state 71. In response to a depression of the RDS button for greater than 3 seconds, the radio receiver toggles the enabled or disabled status of all RDS features in state 72 and then returns to normal state 71.

Whenever in the normal state 71 with traffic functions on or enabled but while not listening to the RDS traffic broadcast, then if an RDS station being monitored begins carrying an RDS flag indicating that a traffic announcement is in progress, then the radio receiver enters a state 73 wherein the traffic announcement is automatically reproduced or played.

Upon the termination of the traffic announcement, the receiver restores the previous audio source and reverts to normal state 71. If during the playing of an announcement, the RDS button is depressed, then the further playback of the announcement is canceled in state 74 and the receiver immediately returns to normal state 71. The receiver may operate in a similar manner for other types of announcements such as emergency alerts. [emphasis added by Applicants]

However, the above teaching of ARROWSMITH, even in combination with GROEGER does not teach Applicants' invention of claim 1. Like GROEGER, ARROWSMITH neither teaches, nor suggests, to "automatically initiate periodic replacement of received radio signals with the prerecorded message". Rather, ARROWSMITH teaches in the portion cited in the Office Action, that under certain circumstances (i.e., in the normal state 71 with traffic functions on or enabled but while not listening to the RDS traffic broadcast) the receiver of ARROWSMITH, upon receiving an RDS flag indicating a traffic report, will switch to and play the live traffic report in realtime. ARROWSMITH does not teach or suggest replacing the received radio signals

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

with a prerecorded message. As such, were the teachings of ARROWSMITH to be combined with the teachings of GROEGER, the teachings of GROEGER would be destroyed. This is because, instead of storing the traffic report and playing it when manually requested, as disclosed in col. 3 of GROEGER, lines 1 - 10, adding the teaching of ARROWSMITH to GROEGER would, instead play the traffic report only in real-time (i.e., at the time the RDS signal indicated that a traffic report was being transmitted). At the very least, a combination of the teachings of GROEGER and ARROWSMITH would produce a system wherein a live (i.e., not prerecorded) RDS traffic report is played automatically at the time of receipt, as taught in ARROWSMITH, and stored for later, manual replaying, as taught in GROEGER. As such, the combination of GROEGER and ARROWSMITH fails to teach or suggest, among other limitations of Applicants' claim 1, automatically initiating periodic replacement of received radio signals with a prerecorded message.

Additionally, neither GROEGER, nor ARROWSMITH, teaches or suggests connecting said storage and playback circuitry between a demodulator and an audio amplifier of a radio for replaying the prerecorded message. As stated above, ARROWSMITH neither teaches, nor suggests, replaying a prerecorded message using the audio amplifier of a radio.

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

GROEGER additionally, fails to teach or suggest replaying a prerecorded message using the audio amplifier of a radio.

Rather, GROEGER discloses using a separate or standalone playback apparatus to reproduce recorded audio signals. As stated in col. 3 of GROEGER, line 66 - col. 4, line 16:

To play back the audio data recorded in memory 12, a separate playback apparatus with amplifier and loudspeaker can be provided in operating part 4 of car radio. Due to the limited available room in operating part 4 and due to the limited energy reserves of the battery supplying the operating part, an integrated playback device is not used in the exemplary embodiment of the present invention. Instead, operating part 4 can be attached to car radio 2 to reproduce the recorded audio signals using playback unit 10. For this purpose, when playback button 46 on operating part 4 is actuated, the output of recording unit 6 is connected via changeover switch 26 to playback unit 10 and the audio signal stored in memory 12 of recording unit 6 is played back.

Alternatively, operating part 4 can be connected to a separate playback unit, for example, in the form of a stationary dictation device, for playback of the recorded signals. [emphasis added by Applicants]

As such, the GROEGER reference goes so far as to teach away from using the existing audio circuit of the actual radio to reproduce a prerecorded message, as required by Applicants' claim 1. Thus, GROEGER and ARROWSMITH, taken alone or in combination, fail to teach or suggest, among other things, replaying a prerecorded message using the audio amplifier of the radio.

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

For the foregoing reasons, as well as other, Applicants' claim 1 is neither taught, nor suggested, by the GROEGER and ARROWSMITH references, taken alone or in combination.

II. The GROEGER reference, alone or in combination with ARROWSMITH and/or THOMPSON, does not teach or suggest all limitations of Applicants' independent claim 3.

Applicants' independent claim 3 recites an apparatus adapted to be connected to a radio comprising:

a storage and playback circuit connected between a demodulator and an audio amplifier of said radio; and

a timer to automatically initiate periodic playback of at least one prerecorded message by said storage playback circuit.

As stated in Section I, above, the GROEGER and ARROWSMITH references fail to teach or suggest, alone or in combination, among other limitations of Applicants' claim 1, automatically initiating periodic replacement of received radio signals with a prerecorded message. For the same reasons as stated above in section I, it can be seen that the GROEGER and ARROWSMITH references fail to teach or suggest, alone or in combination, among other limitations of Applicants' claims, a timer to automatically initiate periodic playback of at least one prerecorded message by said storage playback circuit. As stated above, it is believed that were the teachings of ARROWSMITH to be combined with the teachings of GROEGER, the

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

teachings of GROEGER would be destroyed. This is because, instead of storing the traffic report and playing it when manually requested, as disclosed in col. 3 of GROEGER, lines 1 - 10, adding the teaching of ARROWSMITH to GROEGER would, instead play the traffic report only in real-time (i.e., at the time the RDS signal indicated that a traffic report was being transmitted). At the very least, a combination of the teachings of GROEGER and ARROWSMITH would produce a system wherein a live (i.e., not prerecorded) RDS traffic report is played automatically at the time of receipt, as taught in ARROWSMITH, and stored for later, manual replaying, as taught in GROEGER. As such, the combination of GROEGER and ARROWSMITH fails to teach or suggest, among other limitations of Applicants' claim 3, a timer to automatically initiate periodic playback of at least one prerecorded message by said storage playback circuit.

Further, Applicant's claim 3 recites, among other limitations, a storage and playback circuit connected between a demodulator and an audio amplifier of said radio and playback of at least one prerecorded message by said storage playback circuit. Thus, like claim 1, claim 3 requires among other limitations, replaying a prerecorded message using the audio amplifier of a radio. As stated above in connection with Section I, GROEGER and ARROWSMITH, taken alone or in combination, fail to teach

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

or suggest, among other things, replaying a prerecorded message using the audio amplifier of a radio.

On page 4 of the Office Action, the THOMPSON reference was further cited in combination with GROEGER and ARROWSMITH, to allegedly render obvious Applicants' claim 3. The THOMPSON reference does not cure the deficiencies of the GROEGER and ARROWSMITH references. Like GROEGER and ARROWSMITH, THOMPSON also fails to teach or suggest, among other things, replaying a prerecorded message using the audio amplifier of a radio. See, for example, col. 1 of THOMPSON, lines 46 - 47, which states:

It is an object of the present invention to provide a small sized, self contained audio playback system. A further object of the invention is that it plays sequential messages. [emphasis added by Applicants]

For the foregoing reasons, as well as other, Applicants' claim 3 is neither taught, nor suggested, by the GROEGER, ARROWSMITH and THOMPSON references, taken alone or in combination.

Additionally, as THOMPSON also fails to teach or suggest that the prerecorded messages are played over a radio, THOMPSON cannot supply to GROEGER and ARROWSMITH, the element missing therefrom, of automatically initiating playback of a prerecorded message either, instead of a portion of a regular radio broadcast or in addition to a regular radio broadcast,

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

as recited by certain claims depending from claim 3 (i.e., claims 12 and 13).

III. The ARROWSMITH reference, alone or in combination with SASS, does not teach or suggest all limitations of Applicants' independent claim 14.

Applicants' claim 14 recites a method for providing a radio with at least one prerecorded message for automatic programmed playback comprising the steps of:

receiving a radio broadcast and playing at least a portion of the received radio broadcast;

determining whether an RDS signal is associated with the radio broadcast;

upon determining that an RDS signal is present and detecting a regular programmed commercial in the received radio broadcast, automatically playing the at least one prerecorded message instead; and

otherwise periodically playing the at least one prerecorded message instead of the portion of the received radio broadcast.

In the Office Action, Applicants' claim 14 was rejected based on a combination of ARROWSMITH and SASS. Applicants' respectfully disagree. As discussed above in Section I, ARROWSMITH neither teaches, nor suggests, to "automatically playing the at least one prerecorded message instead" of a portion of a radio broadcast. Rather, ARROWSMITH teaches in the portion cited in the Office Action, that under certain circumstances (i.e., in the normal state 71 with traffic

Applic. No. 10/074,319
Response Dated August 11, 2005
Responsive to Office Action of March 11, 2005

functions on or enabled but while not listening to the RDS traffic broadcast) the receiver of ARROWSMITH, upon receiving an RDS flag indicating a traffic report, will switch to and play the live traffic report in realtime. ARROWSMITH does not teach or suggest replacing the received radio signals with a prerecorded message.

Further, ARROWSMITH specifically teaches away from Applicants' claimed invention of claim 14. In ARROWSMITH if the RDS signal is detected ARROWSMITH specifically switches to the live broadcast indicated by the RDS flag. This is directly contrary to Applicants' invention of claim 14, wherein detection of the RDS signal is a pointer to the system to switch away from (i.e., not play) the live broadcast indicated by the RDS flag. The teachings of the ARROWSMITH reference and Applicants' claim 14 are at direct odds.

In the Office Action, ARROWSMITH, however, is combined with SASS to allegedly render obvious Applicants' invention of claim 14. More particularly, in the Office Action, pages 9 - 10, it is stated, in part:

Even though, Arrowsmith discloses the this [sic] technique of reproducing message or a normal broadcast in a receiver can be used in other types of announcements, Arrowsmith fails to disclose the technique for commercials.

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

In a similar field of endeavor Sass discloses a receiver (12) and discloses information, such as commercial being selected in place of a currently broadcasted commercial (col. 11, lines 41 - 50).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Arrowsmith by providing the replacement of a broadcast commercial with a prerecorded commercial or message for the purpose of providing intelligent selection of programs and information for a user as taught by Sass.

Applicants' respectfully disagree with the combination of ARROWSMITH and SASS made in the Office Action. As stated above, ARROWSMITH specifically teaches playing a live portion of a program indicated by an RDS flag, when received. See col. 4 of ARROWSMITH, lines 22 - 47, quoted above. To substitute the live information indicated by the RDS flag of ARROWSMITH with a prerecorded message, as alleged in the Office Action happens with the combination of SASS, and claimed by Applicants', would absolutely destroy the teachings of ARROWSMITH, which purposely monitors an RDS station for an RDS flag, so as to reproduce the live information indicated by the RDS flag as it is received. As such, to modify ARROWSMITH with SASS, as suggested in the Office Action, in order to substitute a prerecorded message over information indicated by the detected RDS flag, would not only be the result of impermissible hindsight reconstruction of Applicants' invention, it would utterly destroy the teachings of the ARROWSMITH reference.

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

For the foregoing reasons, as well as other, Applicants' claim 14 is neither taught, nor suggested, by the ARROWSMITH and SASS references, taken alone or in combination.

IV. Conclusion.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 1, 3 and 14. Claims 1, 3 and 14 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 or 3.

Finally, Applicants appreciatively acknowledge the Examiner's statement that claims 9 - 12 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, Applicants respectfully believe that rewriting of claims 9 - 12 is unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1 - 14 are solicited.

Applicants note that claim 13 was not rejected in the Office Action over any art. As such, in view of the amendments made

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

to address the 35 U.S.C. § 112 rejection of claim 13,
Applicants' request clarification of the status of claim 13.

In the event the Examiner should still find any of the claims
to be unpatentable, counsel would appreciate receiving a
telephone call so that, if possible, patentable language can
be worked out.

Additionally, please consider the present as a petition for a
two (2) month extension of time, and please provide a two (2)
month extension of time, to and including, August 11, 2005 to
respond to the present Office Action.

The small entity extension fee for response within a period of
two (2) months pursuant to Section 1.136(a) in the amount of
\$225.00 in accordance with Section 1.17 is enclosed herewith.

Please provide any additional extensions of time that may be
necessary and charge any other fees that might be due with
respect to Sections 1.16 and 1.17 to the Deposit Account of
Lerner and Greenberg, P.A., No. 12-1099.

Applic. No. 10/074,319

Response Dated August 11, 2005

Responsive to Office Action of March 11, 2005

Respectfully submitted,



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